IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 2155 of 2004(F)

PETITIONER:

K.P.LILARAM,
CIRCLE INSPECTOR OF POLICE, MALA, THRISSUR.

BY ADV. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR

RESPONDENTS:
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1. THE DIRECTOR GENERAL OF POLICE,
THIRUVANANTHAPURAM.

2. THE COMMISSIONER OF POLICE,
KOCHI CITY.

3. THE ACCOUNTANT GENERAL,
THIRUVANANTHAPURAM.

4. SUB TREASURY OFFICER,
ANNAMANADA, MALA, THRISSUR DISTRICT.

BY ADV. SRI. K.R. DEEPA, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE REPLY NO. G2(b)29748/03/EC DATED 08.07.2003 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P2: TRUE COPY OF THE NOTICE GIVEN BY THE ASST. COMMISSIONER OF POLICE DATED 10.11..2003.

EXT.P3: TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER DATED 27.11.2003 TO THE 1ST RESPONDENT.

EXT.P4: TRUE COPY OF THE COMMUNICATION MADE BY THE PETITIONER TO THE ASST. COMMISSIONER OF POLICE, KOCHI CITY DATED 28.11.2003.

EXT.P5: TRUE COPY OF THE ORDER G2(b) - 29748/EC DATED 20.12.2003 ISSUED BY THE 2ND RESPONDENT.

EXT.P6: TRUE COPY OF THE RULES GO(MS) NO. 128/76/HOME DATED 29.09.1976.

/True Copy/

P.A to Judge.

KURIAN JOSEPH , J

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W.P.(C) NO. 2155 OF 2004

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Dated this the 11th day of July, 2007.

JUDGMENT

The writ petition is filed with the following prayer:

> issue a writ of certiorari or order or direction quashing Ext.P1 order G2(b) 29748/03/EC dated 08.07.2003 issued by the 2nd respondent as it is unsustainable in law.

2. The request is rejected by the 2nd respondent as per Ext.P1 on the ground that there is no provision to extend the period. However, a perusal of Ext.P6 would show otherwise. Rule 22(b) enables the authority to extend the period, in consideration of the education of the children. I quash Ext.P1 and consequential Ext.P5 order. There will be a direction to the 2nd respondent to pass fresh orders in the matter in the light of the observation made above with notice to the petitioner within a period of four months from the date of a receipt of a copy of this judgment.

The writ petition is disposed of accordingly.

KURIAN JOSEPH, JUDGE.

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